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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MARY KAY PECK, an individual,
9 Plaintiff,

10 v.

11 THE CITY OF HENDERSON, a municipality;
12 JAMES B. GIBSON, an individual; JACK
CLARK, an individual; ANDY HAFEN, an
13 individual; STEVE KIRK, an individual;
GERRI SCHRODER, an individual; and DOES
14 1 through 25.

15 Defendants.
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CASE NO. 2:09-cv-00872

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO DEFENDANTS'
EMERGENCY MOTION TO STAY ALL
DISCOVERY**

18 **I. DEFENDANTS HAVE NOT SATISFIED THE CRITERIA FOR EMERGENCY**
19 **STATUS**

20 Defendants' prediction of the probability of success of the Rule 12(c) Motion, thereby
21 effectively ending this lawsuit, having not seen Plaintiff's Response, to be timely filed, is
22 acceptable only as wishful thinking, not relevant as a reason for an open-ended Stay of Discovery.

23 The prejudice Defendants describe, the cost of discovery, cuts both ways, but in no event
24 does it justify the Stay the City of Henderson ("COH") seeks.

25 **II. THE OPEN-ENDED STAY DEFENDANTS SEEK IS HIGHLY**
26 **PREJUDICIAL TO PLAINTIFF**

27 To date Plaintiff has not been informed of the persons who allegedly provided information
28 upon which the decision to terminate Plaintiff's employment was predicated.

1 Plaintiff is unemployed and delay in completing pre-trial proceedings is prejudicial on its
2 face.

3 Defendants have disclosed ten (10) witnesses, many of whom may have to be deposed.
4 Clearly the five (5) individual defendants must be deposed.

5 Some discovery before the ENE scheduled for October 20, 2009, Magistrate Judge Leavitt
6 presiding, will increase the potential for settlement.

7 **III. CONCLUSION**

8 Defendants' Emergency Motion to Stay All Discovery should be denied.

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11 Dated: July 23, 2009

Respectfully submitted,

NORMAN H. KIRSHMAN, P.C.

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1 **CERTIFICATE OF MAILING**

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3 I hereby certify that on the 23rd day of July, 2009, I served a true and correct copy of

4 **“PLAINTIFF’S SUPPLEMENTAL RESPONSE TO DEFENDANTS’ MOTION TO STAY**

5 **ALL DISCOVERY”** by:

6 X serving the following parties electronically through CM/ECF as set forth below;

7 _____ faxing a copy to the numbers below;

8 _____ depositing a copy in the United States mail, first class postage fully prepaid to the

9 persons and addresses listed below:

10

11 William E. Cooper, Esq.
12 William E. Cooper Law Offices
13 601 E. Bridger Avenue
14 Las Vegas, NV 89101
15 wecooper@williamcooperlaw.com

16 
17 An Employee of Norman H. Kirshman, P.C.

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